



Attorney Docket 8022-1037  
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 4462

Yutaka TAKEISHI

GROUP 2871

Serial No. 09/739,236

Examiner P. Akkapeddi

Filed December 19, 2000

SIGNAL PROCESSING CIRCUIT BOARD  
AND LIQUID CRYSTAL DISPLAY  
APPARATUS WITH VARIABLE RESISTOR  
WHICH ARE HARDLY DECLINED IN  
THE MECHANICAL STRENGTH WHILE  
ITS VARIABLE RESISTOR IS NOT  
LIMITED TO ONE PARTICULAR  
LOCATION FOR THE INSTALLATION

RECEIVED  
MAR 25 2003  
TECHNICAL CENTER 2800

RESPONSE

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the restriction requirement set forth in the Official Action of February 24, 2003, applicant elects Group B, claims 16-27, drawn to a liquid crystal display apparatus, with traverse.

The requirement is believed to be improper, however, and should not be repeated for the following reasons:

The Official Action suggests that the inventions identified in connection with Groups A and B are related as combination and subcombination. As per MPEP §806.05(c), inventions in this relationship are distinct if it can be

shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations.

In support of this, the Official Action states that the combination in Group B does not require the particulars of the subcombination as claimed because the liquid crystal display can function independently of the specific mounting configuration of the subcombination. The Official Action further states that the subcombination has separate utilities such as a signal processing circuit board comprising a variable electronic element can be used in any electronic device. While this assertion appears correct, MPEP §806.05(c) does not support the reasoning behind the restriction requirement.

Specifically, the language of MPEP §806.05(c) states that the inventions are distinct if it can be shown that a combination as claimed does not require the particulars of the subcombination as claimed for patentability (to show novelty and unobviousness). Accordingly, the combination would include features that are novel or unobvious over the prior art other than the features of the subcombination.

TAKEISHI - P.N. 74/739,236

The Official Action has stated that the liquid crystal display can function independently of the specific mounting configuration of the subcombination. Whether the liquid crystal display can function independently of the specific mounting configuration of the subcombination is not the standard for distinctness of inventions as set forth in MPEP §806.05(c). What is required is that there are additional patentable features other than what is recited in the subcombination.

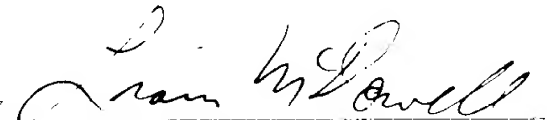
Accordingly, applicant believes that the wrong standard for distinctness was applied in the Official Action and that the restriction requirement is improper and must be withdrawn.

An action on the merits of all claims now in the application is therefore respectfully requested.

Respectfully submitted,

YOUNG & THOMPSON

By



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